



Do I need a grant of representation (probate or letters of administration)?

A guide for people dealing with the estate when someone has recently died

What is the Probate Service?

The Probate Service is part of HM Courts & Tribunals Service. It administers the system of probate, which gives people the legal right to handle the estate (for example, money, possessions and property) of a deceased person.

This leaflet is to advise you whether you need a Grant of Representation to obtain probate when someone has died.

If you have any queries, please contact your local Probate Registry. The staff are there to help you – but they cannot give you legal advice.

Introduction

When a person dies, they usually leave an estate (including money, possessions and property) and sometimes a will.

Any will names one or more executors to be responsible for collecting in all the money, paying any debts and distributing any legacies left to individuals or organisations.

In order to access the estate, the executor needs to apply to the Probate Registry for a document called a Grant of Representation or 'grant'. This process is called probate. The grant establishes who can legally collect money from banks, building societies and other organisations which hold assets belonging to the deceased person.

In most cases, applying for probate is a straightforward procedure. The Probate Registry administers applications for grants throughout England and Wales.

The information in this leaflet refers only to the law in England and Wales. If the deceased person was domiciled in Scotland, Northern Ireland or another country when they died, you will need to contact the court in the appropriate country.

How do I know if a grant is needed?

Not every estate needs a grant. A grant may not be needed if:

- The home is held in joint names and is passing by survivorship to the other joint owner(s). This is usually the case for married couples and those in a legal civil partnership.

- There is a joint bank or building society account. In this case, the bank may only need to see the death certificate, in order to arrange for the money to be transferred to the other joint owner. However, a grant may still be needed to access assets held in other bank accounts or insurance policies.

The amount held in each account was very small. You will need to check with the organisations (banks, building societies or insurance companies) involved to find out if they will release the assets without a grant.

If none of the circumstances above apply, a grant will be required.

Who should apply for the grant?

Usually, the will names executor(s) to administer the estate and apply for the grant. If there is no executor or there is no will, the direct next of kin will usually apply.

If a number of family members are named in the will, you can decide between you who should apply. More than one person can apply.

Whoever applies needs to be over 18 and should be prepared to take on the role of collecting money from banks, building societies and other organisations and transferring it to the people named in the will.

How do I apply for the grant?

You can find out how to do this in leaflet **PA2 'How to obtain probate'**, which is available on our website.

You can also contact the Probate and Inheritance Tax Helpline 0845 3020900.

Alternatively, you can consult a solicitor, who will be able to advise you.

Useful contacts

For general information on wills and probate:

www.direct.gov.uk/en/RightsAndResponsibilities/Death/index.htm

For information about the Probate Service and online forms:

<http://www.hmcourts-service.gov.uk/infoabout/civil/probate/index.htm>

To find out addresses of regional probate registries:

<http://www.hmcourts-service.gov.uk/infoabout/civil/probate/registries.htm>

For information about Inheritance Tax and online forms:

www.hmrc.gov.uk/cto

For more detailed information about probate and Inheritance Tax or to obtain application forms contact:

Probate and Inheritance Tax Helpline: 0845 3020900

Probate forms and leaflets

- PA1 Probate application form
- PA1A Probate application form (guidance notes)
- PA2 How to obtain probate (leaflet)
- PA3 Probate fees list (leaflet)
- PA4 Directory of probate registries and interview venues (leaflet)
- PA5 Do I need a grant of representation (probate or letters of administration)? (leaflet)
- PA6 What will happen at my probate interview? (leaflet)
- PA7 How to deposit a will with the Probate Service (leaflet)
- PA7A Withdrawing your will from the Principal Probate Registry (form)
- PA8 How to enter a caveat (leaflet)
- PA8A How to enter a caveat (form)
- PA9 How to enter a general search (leaflet)
- PA10 How to enter a standing search (leaflet)
- PA1S Application for a probate search (form)

HMRC Inheritance Tax forms

- IHT205 Return of estate information
- IHT206 Return of estate information (guidance notes)
- IHT400 Inheritance Tax Account